

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/116,390	06/26/98	THOMSON	J 96-0296-9540

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HM32/0601

EXAMINER	
CLARK, D	
ART UNIT	PAPER NUMBER
1633	

DATE MAILED: 06/01/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Interview Summary

Application No. 09/106,390	Applicant(s) Thomson, James A.
Examiner Deborah Clark	Group Art Unit 1633
	

All participants (applicant, applicant's representative, PTO personnel):

(1) Deborah Clark

(3) Carl Schwartz

(2) John LeGuyader

(4) _____

Date of Interview Mar 6, 2000

Type: Telephonic Personal (copy is given to applicant applicant's representative).

Exhibit shown or demonstration conducted: Yes No. If yes, brief description:

Agreement was reached. was not reached.

Claim(s) discussed: All

Identification of prior art discussed:

Nichols et al.

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Discussed the rejection pending under 35 USC 112, 1st paragraph. Applicants state that the art does not define ES cells as contributing to the germ line even in mice and that the title of Nichols et al. demonstrates such. Applicants argue that they may be their own lexicographer and that they have defined ES cells on page 7 of the specification. The examiners point out that this is not a firm definition, but rather what the cells "should" have/do. Applicants argue that they are barred from demonstrating totipotency in humans. The examiners acknowledge that applicants have made some points that will be responded to. Applicants will file an after final request for reconsideration.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.


DEBORAH CLARK
PATENT EXAMINER
ART UNIT 1633

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.